

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION

JOHN SHARP,

Plaintiff ,

V.

CORRECTIONAL MEDICAL
SERVICE, INC.,

Defendants.

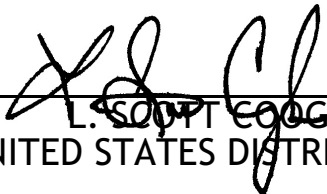
Case No. 7:08-cv-2271-LSC-TMP

O R D E R

On February 24, 2011, the magistrate judge filed his report and recommendation in the above-styled cause, recommending that the plaintiff's "Motion For Relief," construed as a motion seeking preliminary or interlocutory injunctive relief, be denied. The plaintiff filed objections on March 9, 2011. In those objections, plaintiff attached a report dated October 27, 2007, by audiologist Michael Manning with a recommendation that the plaintiff receive hearing aids for both ears. This evidence alone does not necessarily establish that the plaintiff has a substantial likelihood of prevailing on the merits of his claim, given the limited nature of the right of prisoners to medical care. For prisoners, the question is not whether they are entitled to optimal medical care, but simply reasonable medical care, and it is possible that supplying the plaintiff with one hearing aid is reasonable.

Having now carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the plaintiff's objections thereto, the Court is of the opinion that the objections are due to be and hereby are OVERRULED, the report is due to be and hereby is ADOPTED, and the recommendation is ACCEPTED. Consequently, the plaintiff's Motion For Relief is hereby DENIED.

Done this 17th day of March 2011.



L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE
153671